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09/660,531	09/13/2000	Timothy W. Genske	LS/0005.00	7168

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/660,531

Applicant(s)

GENSKE ET AL.

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on August 13, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 58-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garney (US Patent No: 5,319,751) in view of Elg (US Patent No: 6,694,354).

1. With regards to claim 58, Garney teaches through Elg, a method of interaction between a client device and a host device to be performed when the client device is connected to the host device, the method comprising: establishing a bidirectional communication channel between the client device and the host device using a handshake command/response; negotiating a reliable stream protocol connection between the client device and the host device, data for the reliable stream protocol connection to flow over the bidirectional communication channel; identifying the host device by the handshake response (*Garney's design has the feature card (client) traverse its list to determine the host; see column 4, lines 8-20, Garney*); transmitting

executable information selected according to an identity of the host device from the client device to the host device over the reliable stream protocol connection and receiving a file handle for the executable information at the host device; invoking execution of the executable information at the host device using the file handle (*Garney's design allows for the transfer of an executable driver (equivalent to the claimed executable) from the client to the host; see column 3, lines 63-66, Garney*); and entering a listening mode to receive a message sent by the executable information executing at the host device (*Garney's design allows for polling; see column 6, lines 4-8, Garney*)

However, Garney's design fails to teach the claimed bidirectional communication channel established via handshaking protocol and the claimed use of file handles. In the same field of endeavor, Elg also teaches a device driver delivery system. Within the Elg's disclosure, it is taught how driver delivery systems can use USB connections (equivalent to the claimed bidirectional communication channel); see column 5, line 42, Elg. In addition, Elg teaches how the connection between the client and the host is established via protocols such as TCP (equivalent to the claimed handshaking protocol); see column 5, line 40, Elg. Furthermore, Elg teaches how pointers are used to connect between peripheral devices and host devices; see column 2, lines 45-50, Elg. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Garney with those of Elg, to provide interfacing

between host computers and peripheral devices (see column 1, lines 9-12, Elg).

2. With regards to claim 59, Garney teaches through Elg, the method wherein the executable information comprises a device driver file (*see column 3, line 24, Garney*).
3. With regards to claim 60, Garney teaches through Elg, the method wherein the device driver file, upon execution, controls interaction between the client device and the host device (*see column 3, line 35-40, Garney*).
4. With regards to claim 61, Garney teaches through Elg, the method wherein the client device comprises a digital camera (*see column 5, lines 56-58, Elg*).
5. With regards to claim 62, Garney teaches through Elg, the method wherein the reliable stream protocol connection is: a Transmission Control Protocol/Internet Protocol ("TCP/IP") connection between the client device and the host device (*see column 5, line 40, Elg*).
6. With regards to claim 63, Garney teaches through Elg, the method wherein invoking execution comprises: instructing the host device to restart itself (*The feature card of Garney's design has full drivers (column 3, lines 43-44)*).

Official notice is taken that it is well known to those skilled in the art that if full drivers are installed in the computer, the computer would require a restart).

7. With regards to claim 64, Garney teaches through Elg, the method wherein the client device comprises a digital camera device and wherein said method further comprises: upon execution of said executable information at said host device, transferring image information from said digital camera device to said host device (*Garney teaches a design allowing a feature card (first device) to transfer and execute a driver on a computer system (second device) (column 3, line 63 – column 4, line 7, Garney). In addition, Elg teaches how cameras are acceptable peripheral devices (column 5, lines 56-58, Elg).*)
8. With regards to claim 65, Garney teaches through Elg, the method further comprising: after transferring said image information from the digital camera device to the host device, the host device wirelessly transmitting the image information to a third device (*see column 2, lines 64-65, Elg*).
9. With regards to claim 66, Garney teaches through Elg, an apparatus comprising: a physical interface manager to detect when the apparatus is connected to a host (*Garney's design features a flag to indicate the detection of a connection between the feature card (client) and the computer (host); column 4, lines 13-20, Garney*); a driver uploader to identify a type of the host

(Garney's design has the feature card (client) traverse its list to determine the host; column 4, lines 8-20, Garney), transmit a driver appropriate for the host type to the host over the reliable bidirectional data communication channel, receive a file handle for the driver at the host (see column 3, lines 63-66, Garney), and invoke the driver at the host using the file handle (see column 3, lines 66-68, Garney); and a command server to respond to commands from the driver (see column 6, lines 4-8, Garney).

However, Garney's design fails to teach the claimed bidirectional communication channel established and the claimed use of file handles. In the same field of endeavor, Elg also teaches a device driver delivery system. Within the Elg's disclosure, it is taught how driver delivery systems can use USB connections (equivalent to the claimed bidirectional communication channel); see column 5, line 42, Elg. Furthermore, Elg teaches how pointers are used to connect between peripheral devices and host devices; see column 2, lines 45-50, Elg. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Garney with those of Elg, to provide interfacing between host computers and peripheral devices (see column 1, lines 9-12, Elg).

10. With regards to claim 67, Garney teaches through Elg, the apparatus wherein the protocol manager is to negotiate: a Transmission Control Protocol/Internet

Protocol ("TCP/IP") protocol connection between the apparatus and the host
(see column 5, line 40, Elg).

11. With regards to claim 68, Garney teaches through Elg, the apparatus further comprising: an Extensible Markup Language ("XML") parser to package commands and data using XML syntax (*The driver is simply executable (column 3, lines 66-68, Garney) and hence any executable language is acceptable (including XML).*)
12. With regards to claim 69, Garney teaches through Elg, the apparatus further comprising: a registry manager to store Transmission Control Protocol / Internet Protocol ("TCP/IP") configuration settings for communicating with the host (see column 5, line 40, Elg).
13. With regards to claim 70, Garney teaches through Elg, the apparatus further comprising: a file system to store the driver for transmission to the host (see column 3, lines 41-51, Garney).
14. With regards to claim 71, Garney teaches through Elg, the apparatus wherein the driver is a Java program (*The driver is simply executable (column 3, lines 66-68, Garney) and hence any executable language is acceptable (including*

JAVA)).

15. With regards to claim 72, Garney teaches through Elg, the apparatus wherein the apparatus is a digital camera (*see column 5, lines 56-58, Elg*).

16. With regards to claim 73, Garney teaches through Elg, the apparatus wherein the host is a cellular telephone (*see column 5, lines 56-58, Elg*).

17. With regards to claim 74, Garney teaches through Elg, the apparatus wherein the driver uploader includes at least two drivers, the two drivers designed for different hosts (*Garney teaches how the feature card traverses a list to determine the host appropriate host; column 4, lines 8-20. Hence it is clearly evident that multiple drivers exist within the feature card for multiple hosts*).

18. The obviousness motivation applied to claim 58 are applicable to claims 59-74.

Response to Amendment

The amendment filed on August 13, 2007 has been carefully considered but is not deemed fully persuasive. In lieu of the claim amendments, a new office action has been compiled and the 112-type rejection has been withdrawn. The following are the examiner's response to the applicant's concerns.

The first point of contention involves the new claim trait of a "bidirectional channel." The applicant contends that the Garney prior art does not teach such a limitation. In response to the amendment, the Elg art has been combined with the Garney art. Elg teaches the connection of devices via USB, which is a bidirectional channel.

The second point of contention involves the new claim traits of, "handshaking." The applicant contends that the Garney prior art does not teach such limitations. In response to the amendment, the Elg art has been combined with the Garney art. Elg teaches the use of TCP between the connecting devices. TCP is a handshaking protocol.

The third point of contention involves the newly claimed trait of file handles. In response to this amendment, the Elg art has been added. Elg teaches the use of driver pointers which is equivalent to the claimed file handles.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



JASON CARDONE
SUPERVISORY PATENT EXAMINER